

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:10-CV-176-RLV-DSC**

KAREN KLYMAN,)
)
Plaintiff,)
)
v.) **MEMORANDUM AND ORDER**
)
KENNETH R. MCINTURFF,)
)
Defendant.)
)

THIS MATTER is before the Court on Defendant's "Motion to Compel Discovery," Doc. 14, filed on July 18, 2011 and Defendant's "Amended Memorandum in Support of Defendant's Motion to Compel Discovery," Doc. 16, filed July 20, 2011. The pro se Plaintiff has not responded to the subject Motion and the time for filing a response has expired.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and is now ripe for the Court's consideration.

For the reasons stated in its Motion and supporting brief, the Court grants Defendant's Motion to Compel.

Dismissal and the imposition of monetary sanctions are remedies available under Rule 37 for a party's failure to obey rules governing discovery and orders of the District Court. See Fed. R. Civ. P. 37(b)(2)(C); National Hockey League v. Metro. Hockey Club, 427 U.S. 639, 643 (1976); Mutual Fed. Sav. & Loan v. Richards & Assocs., 872 F.2d 88, 92 (4th Cir. 1989); Wilson v. Volkswagen of America, Inc., 561 F.2d 494, 504-04 (4th Cir. 1977).

Accordingly, the Court warns Plaintiff that failure to respond to Defendant's First Set of

Interrogatories and Request for Production of Documents as ordered below, failure to appear for her deposition as ordered below or failure to respond to any other of Defendant's reasonable discovery requests, or to otherwise comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions. **Sanctions may include Plaintiff being required to pay Defendant's costs, including reasonable attorney's fees in their entirety, and may also include dismissal of the Complaint with prejudice.**

NOW THEREFORE, IT IS ORDERED:

1. Defendant's "Motion to Compel Discovery," Doc. 14, is **GRANTED**.
2. Within seven days of the date of this Memorandum and Order, Plaintiff shall serve on defense counsel proper responses to Defendant's First Set of Interrogatories and Request for Production of Documents, that is make written answers to the interrogatories and identify in writing, and provide copies of, all documents that Defendant has requested.
3. Within twenty-one days of the date of this Memorandum and Order, Plaintiff shall appear for her deposition at the date, time and location noticed by Defendant.
2. The parties shall bear their own costs at this time.
3. The Clerk is directed to send copies of this Memorandum and Order to the pro se Plaintiff; to defense counsel; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: August 8, 2011



David S. Cayer
United States Magistrate Judge

